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April 16, 2019

VIA EMAIL

Kenneth Whittle  
[71044-64472679@requests.muckrock.com](mailto:71044-64472679@requests.muckrock.com)

Re: FOIA Request dated 3/27/19

Dear Mr. Whittle:

I am responding to the request for documents under the Illinois Freedom of Information Act ("FOIA") statute that was received by the Cook County State's Attorney's Office (the "SAO") on March 27, 2019 via e-mail. On April 3, 2019 the SAO sent the statutory request for a five-day extension and is herewith responding to your FOIA.

You have asked for:

*Any and all information, communications, memorandum and documentation related to any correspondence between the Cook County State's Attorney's Office, Kimberly M. Foxx, Joe Magats, April Perry and Senator Kamala Harris (D-CA), Tina Tchen, Jussie Smollett himself, and any member of Jussie Smollett's family, as it relates to the Jussie Smollett case.*

In order to accommodate the approximately forty FOIA requests the Cook County State's Attorney's Office (SAO) received following the resolution of the Jussie Smollett matter, we conducted a universal search of any and all electronic or paper records, including emails, texts, memoranda, notes, and case files, from key SAO staffers involved in the criminal proceedings.

The custodians whose records searched were: Kim Foxx, Joe Magats, Risa Lanier, Diann Sheridan, April Perry, Kiera Ellis, Tandra Simonton, Liam Reardon, Nick Trutenko, Guy Lisuzzo, Jennifer Ballard Croft, Alyson Miller, Kim Ward, Marny Zimmer, Matthew Saniie, and Robert Foley. The search encompassed the time period from January 29, 2019 to March 28, 2019.

This search included a keyword search of these custodians' email records using the following search terms:

"Jussie Smollett" OR "Jussie" OR "Smollett" OR "Smolett" OR "Smollet" OR "Empire" OR "Olabinjo" OR "Abimbola" OR "Osundairo" OR "19CR0310401" OR "19CR03104" OR "19CR3104" OR "19CR-3104" OR "Mark Geragos" OR "Gregaros" OR "Patricia Brown Holmes" OR "Patricia Holmes" OR "Brian Watson" OR "Watson" OR "Tina Tchen" OR "Tchen" OR ["@chicagopolice.org" AND "Smollett"] OR ["@chicagopolice.org" AND "Smolett"] OR ["@chicagopolice.org" AND "Smollet"] OR ["@cityofchicago.org" AND "smollet"] OR ["@cityofchicago.org" AND "smolett"] OR ["@cityofchicago.org" AND "smollet"] OR "Ronald Safer" OR "Safer" OR "Todd Pugh" OR "Pugh" OR "Tom Breen" OR "Breen" OR "Gladian" OR "Steven G. Watkins" OR "Watkins" OR ["mayor's office" AND "smollett"] OR ["mayor's office" AND "smollet"] OR ["mayor's office" AND "smolett"] OR "Jorge Rodriguez" OR "Gloria Rodriguez" OR "The Gloria Law Group" OR "recuse" OR "recusal."

The SAO then reviewed for public dissemination all responsive material, produced herewith, along with an exemption log delineating our redactions, at:

<https://www.dropbox.com/sh/7owz02atbcfeqwc/AABymM7qQahNggV7u9a3eQlia?dl=0>.

If you believe the material we have reviewed for production, as reflected in the material accessible and downloadable for review at the aforementioned link, does not satisfy your request, please submit a clarified request to [SAO.FOIA@cookcountyil.gov](mailto:SAO.FOIA@cookcountyil.gov).

The SAO's trial file, and certain other responsive records, are exempt from disclosure at this time pursuant to section 7(1)(a) of FOIA. Section 7(1)(a) exempts from disclosure "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." Pursuant to the March 26, 2019 Order in Case No. 19 CR 0310401 which sealed the file and the files of various law enforcement agencies, the SAO is prohibited from releasing materials which would otherwise be responsive to this request. We acknowledge that the March 26, 2019 Order is the subject of litigation, and we will supplement our production consistent with our FOIA obligations to the extent the Order is vacated.

Due to the fluid nature of text correspondence, some responsive text messages included side conversations on matters unrelated to the SAO's role in the Smollett matter. To avoid confusion about the context of the correspondence, the SAO has redacted any such non-responsive correspondence in blue, while any redactions in black are of Smollett-related conversations determined to be exempt for the reasons listed in the exemption log.

In addition to the records exemptions reflected in the log, the SAO has withheld in their entirety handwritten attorney notes created during the prosecution of the case pursuant to Section 7(1)(a) of FOIA which exempts from disclosure "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." Supreme Court Rule 201(b)(2) states:

All matters that are privileged against disclosure on the trial, including privileged communications between a party or his agent and the attorney for the party, are privileged against disclosure through any discovery procedure. Material prepared by or for a party in preparation for trial is subject to discovery only if it does not contain or disclose the theories, mental impressions, or litigation plans of the party's attorney.

To review all other exemptions made by the SAO in this production, please refer to the produced exemption log. For ease of reading, the SAO did not include responsive Google Alerts, newsclips, or other automated messages in which no communication amongst SAO staff followed. If you would like these records, please let us know, and we can produce them to you.

Finally, we thank you for your patience as we have worked to process your FOIA request(s).

You have a right to appeal this decision to Sarah Pratt, Public Access Counselor, Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (phone number 1-877-299-FOIA) or to seek judicial review under Section 11 of FOIA, 5 ILCS 140/11 (2017).

Sincerely,

s/Chloe K. Rasmus

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